

**Terry Rambler, Chairman, San Carlos Apache Tribe**  
**House Interior and Related Agencies Appropriations Subcommittee (03/25/2015)**

Good morning Chairman Calvert, Ranking Member McCollum and Members of the Subcommittee. I am Terry Rambler, and I am honored to serve as Chairman of the San Carlos Apache Tribe, representing 15,000 tribal citizens. The San Carlos Apache Reservation constitutes a small portion of our ancestral aboriginal territory, and spans 1.8 million acres in southeastern Arizona. My testimony today focuses on the unmet needs facing our youth, the public safety needs of our community, and threats facing our culture and way of life.

**Need to protect at-risk Native youth.** Despite cooperative efforts that have led to decreased unemployment and violent crime at San Carlos in recent years, methamphetamine continues to plague our community. The resulting impacts on our children and families are devastating.

The San Carlos Youth Home serves as the primary provider of shelter and safety for infants and children exposed to violence, endangerment, or neglect. In 2013 and 2014, the Home accepted an average of 12 newborns exposed to methamphetamine each year. The Home is a 16-bed facility that was built in the 1970's. The Home is open 24-7 and serves children ages 0 to 17. Once placed in the Home, children receive treatment and testing from the Arizona Early Childhood Intervention where they are assessed to ensure that they are mentally and physically stable. If necessary, they are also referred to BIA Criminal Investigators to investigate allegations of abuse or neglect. Under high supervision, we attempt to ensure that infants are able to bond with their parents, and if the parents are not capable, we attempt to connect the infants with their extended family. Five staff members work at the Youth Home, earning barely minimum wage.

The Home is in constant disrepair: the roof leaks; the plumbing often backs up; there is no sprinkler system; and the heating and cooling systems often fail. In September 2014, the Home experienced a kitchen fire. After the fire, the facility was boarded up until repairs could be completed. The building needs to be completely renovated to accommodate the therapeutic needs of the children we serve, who often suffer from behavioral and mental health disorders due to being subjected to violence, substance abuse, and other forms of neglect and abuse. The Tribe has a 638 Self-Determination contract for mental health and substance abuse services. However, with no on-Reservation service provider, we are forced to send children off-Reservation to treatment providers. Children are taken away from their local support system and separated from culturally appropriate intervention. Some of the youth improve, but many regress and get worse.

Congress acknowledged the need to treat and educate at-risk Native youth in Indian Country when it enacted the Tribal Law and Order Act of 2010 (TLOA). TLOA authorized funding for the construction (\$10M annually) and staffing and operation (\$7M annually) of "emergency shelters or halfway houses for Indian youth" (25 USC 2433).

**REQUESTS:** *To address the impacts of methamphetamine and the unmet needs facing our youth and families, we urge the Subcommittee to support the Budget request of \$84.5M (+\$3.5M) for IHS Mental Health services and the Budget request of \$227.1M (+\$36M) for the IHS Alcohol and Substance Abuse program, which includes \$25M as part of the Generation Indigenous (GenI) Initiative. We recommend report language to require behavioral health providers hired under this initiative to provide services at youth homes and shelters.*

*To help heal San Carlos families, we urge the Subcommittee to support the Budget request of \$47.1M (+\$6.3M) for BIA Social Services within the Tribal Priority Allocations line as part of the Tiwahe Initiative to strengthen Indian families and fortify tribal communities.*

*We urge the Subcommittee to appropriate \$17M for the construction, staffing and operation of emergency youth shelters as authorized under TLOA (25 USC 2433).*

**Provide Health Care and Education for Native Youth in Custody.** Because of the lack of treatment and services, some of our Native youth walk a path that leads them into the justice system. The BIE and IHS have not met their obligations to provide health and education services at the approximately 24 detention centers serving Native youth on Indian lands.

San Carlos is fortunate to have a detention center that serves our youth. Through a funding agreement with a local government, we were able to hire an amazing teacher that has been able to reach the most at-risk youth in our community. Through her work, on a shoestring budget, we have been able to significantly reduce recidivism at our juvenile detention center in just two years. We consistently hear positive reports back from families of youth that leave our center. However, this funding is tentative and our teacher works completely without support staff.

The November 2013 Indian Law & Order Commission (ILOC) Report highlighted the dire situation facing many Native youth in custody. It acknowledged, “Indian country juvenile justice exposes the worst consequences of our broken Indian country justice system.” The Report confirmed that “secondary educational services are either lacking or entirely non-existent” in facilities operated or funded by the BIA. The BIE confirmed to the ILOC that no funding has been appropriated for juvenile education in recent years. We face similar problems when seeking to use or request health and mental health services from IHS for Native youth in custody.

Congress acknowledged the need to treat and educate at-risk Native youth through enactment of TLOA. TLOA directed Interior and Justice to work with tribes to develop a long-term plan for the construction and operation of Indian juvenile detention and treatment centers and alternatives to detention by July 29, 2011. TLOA also required BIE and IHS to coordinate with tribes to provide health and education services at BIA and tribal juvenile centers. TLOA authorized \$7 million for this purpose. We are unaware of the existence of the long-term plan or the BIE/IHS efforts to provide these services.

**REQUEST:** *It is unclear whether the GenI Initiative will provide funding for health and education services for Native youth in custody. If it does not, we urge the Committee to fund juvenile education at BIA-funded detention facilities at 100% of need, including \$7 million as authorized under TLOA for juvenile education and health care. We also urge the inclusion of report language that directs the Departments of Education, BIA, BIE and IHS to coordinate to provide education, health, and treatment services to juveniles in BIA and tribal facilities.*

**Elementary School Access Road.** To improve opportunities for our children, the Tribe is nearing completion of a new elementary school to serve the Bylas community. The new school sits on the foothills of Mt. Turnbull. Currently, the only access road to the new school is a four-mile dirt road that is not fit to transport a bus full of young children. The road will prove especially hazardous during the rainy season, common dust storms, or snowfall. Funding for the

BIA Road Maintenance Program has never recovered from the cuts after FY92 when it was funded \$41 million. This lack of funding costs lives. Over the past 25 years, 5,962 fatal motor vehicle crashes occurred on Indian reservation roads, with 7,093 lives lost.

**REQUEST:** *We urge the Subcommittee to appropriate \$50 million for the BIA Road Maintenance Program in FY16 and ask that you include report language that will target and include a funding preference for roads that provide access to Reservation schools.*

**Public Safety:** San Carlos thanks the Interior Department and this Subcommittee for funding provided under the BIA-OJS High Priority Performance Goal initiative, which significantly reduced violent crime on the Reservation. However, our community continues to struggle with meth, substance abuse, and the resulting impacts on our children and families.

**Public Safety Construction Funding.** The San Carlos Police Department has been housed in BIA Building 86 since we first contracted for law enforcement services in the mid-1990s. Building 86 was constructed in the 1970s to house police and adult detention services. In 2009, the BIA ordered the Building condemned, and moved the BIA Criminal Investigators into a refurbished BIA Building. However, the San Carlos police and courts have been forced to work in this facility that suffers from serious structural and electrical problems, leaky roofs, and broken fixtures. There are frequent power outages, causing the police department to lose communication with officers in the field, posing serious risks to the officers and the community. Building 86 is located in a flood plain and during monsoons the building floods, contaminating evidence and jeopardizing cases. The Tribe is working with the BIA to move our police and courts into temporary modulars. However, the BIA has not yet identified a permanent solution to house our essential justice and public safety personnel.

**REQUEST:** *The BIA public safety construction (PSC) budget has funded only maintenance and repairs for the past five years. In FY09, PSC was funded at \$39.3M. In FY10, PSC was funded at \$64.4M. From FY11-15, PSC funding has not exceeded \$11.3M. One rationale for the cuts was that new PSC funding would flow through the DOJ. This line at DOJ had averaged \$34M/year from FY99-FY02. However, the DOJ PSC funding has leveled at \$9-10M since FY06. We urge the Subcommittee to restore BIA PSC funding to FY10 levels at \$64.4M.*

**Law Enforcement Radio Communication Coverage.** The San Carlos Apache Reservation spans 1.8 million acres. The TIA-TSB-88 (Telecommunications Industry Association - Telecommunications Systems Bulletins) acknowledged by the National Public Safety Telecommunications Council requires 95% radio coverage of law enforcement territory. San Carlos has only 55% of coverage, because there are not enough radio repeater towers. The lack of coverage results in a high number of dead spots for officers on foot. With only 24 police officers, our officers are often forced to patrol alone relying solely on radio communication to share information with other officers. Too often, these officers find themselves in a dead zone with no ability to communicate with dispatch or other cars from their handheld radios.

Over the past two years, there were five (5) officer-involved shootings (OIS). Details of these five shootings have been shared with the Subcommittee. In all five incidents, the officer tried to call for backup, but because of the lack of radio coverage – they were unable to communicate the urgent need for help. No officers were physically hurt during these incidents; however, they are

living with the mental trauma associated with the OIS. Upgrading the radio coverage in San Carlos is vital to health and mental health of the men and women who place their lives at risk daily to protect our community. The Tribe needs three-four radio towers to gain 95% coverage.

**REQUEST:** *The Budget request of \$44M for BIA Information Resources Technology will not support the upgrades needed at San Carlos. BIA-IRT funding should be increased and funding directed to improve public safety coverage for Reservations with less than 60% of radio coverage. We urge the Subcommittee to direct Interior to coordinate with other agencies to develop a plan to provide consistent funding to for law enforcement communications coverage.*

**Special Law Enforcement Commission (SLEC).** The SLEC program is critical to filling gaps in criminal jurisdiction in Indian Country. The program enables tribal police that meet certain training and background check requirements to enforce federal laws. Tribes are then required to enter into an agreement with the BIA in order to receive the SLEC cards. Our Police Department is concerned that BIA can revoke a tribal officer of his or her SLEC card without notice, hearing or process. In addition, while the BIA and DOJ have improved the SLEC program, our police officers are concerned with inflexibility of the program. The BIA has refused to transfer an SLEC when an officer moves from one tribe to another, even within the same state.

**REQUEST:** *We ask the Subcommittee to include report language to enforce common sense no-cost changes to the SLEC program to acknowledge the transfer of SLEC cards and language to require the BIA to implement processes and procedures prior to revoking an SLEC.*

**Parity in federal forest management funding.** The U.S. is legally responsible for the health of tribal forestlands, which are critical to the San Carlos Apache culture, religion, and economy. Tribal members continue traditional cultural and ceremonial practices tied directly to the health of our forests. San Carlos has one of the few remaining active timber sales programs and operational sawmills, which maintains the health of our forest and provides critical jobs to our people. Despite these obligations, tribal forest management funding remains at one-third of that for National forests and one-tenth of federal funding for state forests.

**REQUEST:** *We urge the Subcommittee to follow the funding recommendations set forth in the Indian Forest Management Assessment Team (IFMAT) III Report, including: increasing BIA Forestry funding by \$25M to \$73M for FY16; increase DOI Office of Wildland Fire Management – Fire Risk Management (which includes Fuels Management) to \$206M (+\$28M over the Budget request of \$178M); among other funding goals of IFMAT III. In addition, we support language that would treat extreme fire costs (above 70% of the 10 year average) as natural disasters, which would free up funding for tribal forest management.*

**Repeal the SE AZ Land Exchange.** Minutes before midnight on December 2, 2014, the Southeast Arizona Land Exchange was included as Section 3003 of the 2014 National Defense Authorization Act, despite the fact that the House pulled this bill from floor consideration twice in the 113<sup>th</sup> Congress. This is the antithesis of democracy. San Carlos greatly appreciates the efforts of Rep. Cole and Rep. McCollum for their efforts to strike Section 3003. However, the provision was enacted into law and now threatens our religion and very way of life.

**REQUEST:** *We urge the Subcommittee to work to repeal the Southeast Arizona Land Exchange and in the interim to mitigate damage to the lands that will result in the destruction of our religion, the San Carlos Apache way of life, and the water and environment in the region.*